

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CANDE BRANDOW

Plaintiff,

v.

FLAGSTAR BANK, FSB

Defendant.

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CIVIL ACTION NO. 4:18-cv-516

**DEFENDANT’S OBJECTION TO PLAINTIFF’S OPPOSED STIPULATION OF
DISMISSAL WITHOUT PREJUDICE**

Defendant Flagstar Bank, F.S.B. (“Defendant”) files this Objection to Plaintiff Cande Brandow’s (“Plaintiff”) Opposed Stipulation of Dismissal without Prejudice (Doc. No. 14) (the “Stipulation”). As the basis for the objection, Defendant respectfully states the following:

1. Rule 41(a)(1)(A)(i) provides that “the plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed.R.Civ.P. 41(a)(1)(A)(i).

2. Defendant has already filed and served an answer in the instant matter. *See* Notice of Removal, (Doc. No. 1-1), pgs. 45-47.

3. Defendant opposes the dismissal of this matter by Plaintiff because she has brought baseless claims in this lawsuit and Defendant has already expended time and funds to litigate the matter, including the removal of this matter to this Court. If Plaintiff is permitted to simply dismiss the lawsuit, she will undoubtedly resort to filing another lawsuit to continue to frustrate Defendant’s lawful attempts at foreclosure and obtaining possession of the property at issue.

4. Accordingly, Defendant respectfully requests that Plaintiff’s Stipulation of Dismissal be denied and that the litigation continue. However, as Defendant’s counsel stated to

Plaintiff's counsel's office during the Certificate of Conference discussion, Defendant has no objection to Plaintiff seeking to dismiss this matter with prejudice, so Defendant can avoid the need to defend another unwarranted action.

Respectfully submitted,

By: /s/ Matt D. Manning

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ATTORNEY FOR DEFENDANT
FLAGSTAR BANK, FSB

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 2018, I served the foregoing document on all counsel of record in the manner(s) listed below:

Via Email and/or Court ECF E-Filing Notification

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/s/ Matt D. Manning
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